

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**ERIC BERGER, JASON
LONDRIGAN, LACEY TIMMINS,
KEVIN CULBERTSON, MARIA
GONZALEZ, and GRACE
CONDON, *individually and on behalf
of all others similarly situated,***

Plaintiffs,

v.

**HOME DEPOT U.S.A., INC., a
Delaware corporation,**

Defendant.

Civil Action

No. 1:24-CV-01435-VMC

**DEFENDANT HOME DEPOT U.S.A., INC.'S MOTION TO DISMISS
PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT**

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Counsel for Defendant Home Depot U.S.A., Inc.

Defendant Home Depot U.S.A., Inc. (“Home Depot”) respectfully moves this Court to dismiss Plaintiffs’ Consolidated Class Action Complaint, Dkt. 40, in its entirety for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of this motion, Home Depot relies on its Memorandum of Law in Support, which is filed contemporaneously herewith.

Respectfully submitted this 4th day of April, 2025.

/s/ Lindsey B. Mann

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Counsel for Defendant

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D) of the Local Rules for the United States District Court for the Northern District of Georgia, I hereby certify that the foregoing has been prepared in Times New Roman, 14-point font, as permitted by Local Rule 5.1.

This 4th day of April, 2025.

/s/ Lindsey B. Mann

Lindsey B. Mann

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CERTIFICATE OF SERVICE

This is to certify that on April 4, 2025, I electronically filed the foregoing **DEFENDANT HOME DEPOT U.S.A., INC.'S MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT** with the Clerk of Court using the CM/ECF system, which will automatically serve notification of such filing to all counsel of record.

/s/ Lindsey B. Mann

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